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Attorneys for Debtor Robert Farrell Brinkley

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:	§	
	§	CASE NO: 18-40812
ROBERT FARRELL BRINKLEY,	§	
	§	Chapter 13
<i>Debtor.</i>	§	

MOTION FOR APPROVAL OF MORTGAGE LOAN MODIFICATION

A HEARING MAY NOT BE CONDUCTED HEREON UNLESS A RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 1100 COMMERCE STREET, DALLAS, TEXAS 75242, ROOM 1254 BEFORE CLOSE OF BUSINESS ON AUGUST 1, 2018, WHICH IS AT LEAST TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE MUST BE FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING WILL BE HELD. IF NO RESPONSE IS FILED OR IF NO HEARING ON SUCH NOTICE OR MOTION INITIATING A CONTESTED MATTER IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

TO THE HONORABLE U.S. BANKRUPTCY COURT JUDGE:

COMES NOW, Robert Farrell Brinkley (“**Debtor**”), Debtor in the above-entitled and numbered cause of action and files this Motion for Approval of Mortgage Loan Modification (the “**Motion**”), and would show the court as follows:

1. Debtor filed this case on April 19, 2018 (the “**Petition Date**”).
2. As of the Petition Date, Debtor was in arrears to his mortgage company, Planet Home Lending (“**Planet**”), with respect to Debtor’s homestead at 4302 Cheyenne Drive, Rowlett, Texas 75088 (the “**Property**”). Pursuant to Planet’s Proof of Claim (POC #5), Debtor was in arrears in the amount of \$17,891.36 as of the Petition Date.
3. Debtor has reached a loan modification agreement with Planet with respect to the Property, a copy of which is attached hereto as **Exhibit A** (the “**Loan Modification Agreement**”).
4. Pursuant to the Loan Modification Agreement, all arrearages will be added to the principal loan balance, and Debtor shall be deemed current on his mortgage obligation, with payments beginning under the Loan Modification Agreement on September 1, 2018, and continuing until maturity on August 1, 2048.
5. If this Loan Modification Agreement is approved, Debtor will have fewer debts to pay through his Chapter 13 plan of reorganization, thereby providing a larger return to unsecured creditors or making it more likely that other creditors are paid in full.
6. Approval of the Loan Modification Agreement is believed to be in the best interests of the Debtor and all creditors. Therefore, Debtor urges that it be approved.

WHEREFORE, Debtor prays that the relief sought by Debtor be granted and the Loan

Modification Agreement as described herein be approved. Debtor seeks such other and further relief the court deems just and proper.

DATED this 11th day of July, 2018.

Respectfully submitted,

/s/ Gregory W. Mitchell

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ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2018, a true and correct copy of the foregoing was served via U.S. Mail and/or ECF to the parties and creditors of the Debtor listed on the attached master mailing matrix.

THE MITCHELL LAW FIRM, L.P.

/s/ Gregory W. Mitchell

Gregory W. Mitchell
Attorney for Debtor

Label Matrix for local noticing
0540-4
Case 18-40812
Eastern District of Texas
Sherman
Wed Jul 11 13:20:29 CDT 2018

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